

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

IN THE ESTATE OF:

KRIS EVAN PENZELL,
Deceased

PROBATE DIVISION
FILE NO.: 00-11 CA 60

ORDER PROVIDING DIRECTION PURSUANT TO MOTIONS
FOR COURT DIRECTION FILED BY INVENTORY ATTORNEY
AND FORMER INVENTORY ATTORNEY

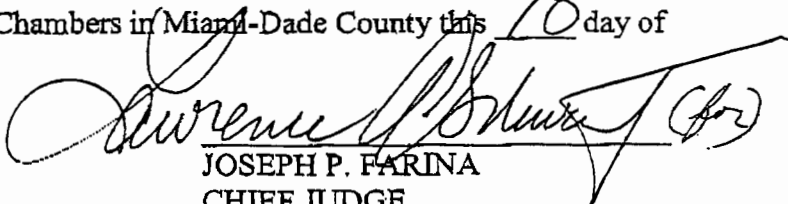
THIS CAUSE CAME on to be heard on December 6, 2004 upon the Motions for Court Direction filed by the current inventory attorney (Susan Irene Noe) and former inventory attorney (Victor Rones). Upon hearing argument of both inventory attorneys, counsel for the Personal Representative and counsel for Premier Capital, LLC ("Premier"), it is

ORDERED AND ADJUDGED as follows:

1. Until his death on March 8, 2000, Kris Evan Penzell, Esq. primarily represented banks and other financial institutions, but neither he, in his individual capacity, nor Kris Evan Penzell, P.A. was neither retained to nor provided legal services to Premier.
2. Upon Mr. Penzell's death, Attorneys Victor Rones and Susan Irene Noe, pursuant to Rule 1-3.8, Rules Regulating the Florida Bar ("Rule"), were successively appointed as inventory attorneys for Kris Evan Penzell, P.A., with Mr. Rones acting as the first inventory attorney, and Ms. Noe the second and current inventory attorney.
3. Neither Mr. Rones nor Ms. Noe, on behalf of themselves, the Estate of Kris Evan Penzell or Kris Evan Penzell, P.A., ever entered into a written agreement or otherwise agreed to provide legal services to Premier.
4. With regard to the request by Premier for files maintained at Kris Evan Penzell, P.A. in connection with the accounts purchased by Premier from Bank of America, said files shall be copied forthwith by Kris Evan Penzell, P.A. and delivered directly to Premier's counsel in this proceeding, Thomas James Morrissey, Esq., c/o Premier Capital, LLC, 226 Lowell Street, Wilmington, Massachusetts 01887.

5. Delivery of said files shall be without prejudice to the Estate of Kris Evan Penzell and Kris Evan Penzell, P.A. to pursue their claims as they have or may have for attorneys fees and costs related to such files.
6. The Court reserves jurisdiction in this matter to the extent prescribed by the Rule, Florida statutes or case law.

DONE AND ORDERED in Chambers in Miami-Dade County this 10 day of December, 2004.


JOSEPH P. FARINA
CHIEF JUDGE
(Signed by Judge Lawrence Schwartz,
Acting for Judge Farina)

Copies will be furnished to:
All counsel of record

LAWRENCE A. SCHWARTZ